

REMARKS

Claims 1-21 are now pending in the above-captioned application.

- * Applicant notes with appreciation that the Examiner has indicated allowable subject matter.

ALLOWABLE SUBJECT MATTER

Claims 8-10 were indicated allowable if rewritten into independent form including the limitations of the base claim and any intervening claims. By the above amendment, claims 8-10 have been placed into independent form. **Thus, claims 8-10 are now clearly in condition for allowance.**

Claims 19-21 were indicated allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph, which has been achieved by the above amendment. **Thus, claims 19-21 are now clearly in condition for allowance.**

CLAIM OBJECTION

Claim 16 was objected to by the Examiner due to a minor error. The above Amendment corrects this error.

OBJECTION TO THE TITLE

The Examiner objected to the Title as not being descriptive. Applicant has amended the Title as suggested by the Examiner. Applicant notes that the Examiner may amend the title by informal Examiner's Amendment (See, e.g., M.P.E.P. §1302.04(a), §606.01) and is encouraged to do so if further minor revisions are required. Since altering the Title of the invention is at the discretion of the Examiner, any changes to the title, including changes by this Amendment, should not be construed as any admission by applicant limiting the spirit and scope of the present invention.

REJECTION UNDER 35 U.S.C. §112, Second Paragraph

Claims 1-21 were rejected under 35 U.S.C. §112, second paragraph due to some minor informalities which have been corrected by the above amendment.

REJECTION UNDER 35 U.S.C. §102

Claims 1, 5, and 11-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Haddock. Applicant respectfully traverses this rejection.

In order to be complete, an anticipation-type rejection must contain two elements:

1. The reference must qualify as "Prior Art" under one of the sections of 35 U.S.C. §102; and
2. The reference must explicitly teach *ALL* of the features of the claimed invention.

Haddock discloses a DATA CARD CASSETTE, which holds a rectangular magnetic data card. This reference does not disclose the "compact disc having a diameter between substantially 8 centimeters and less than 12 centimeters" as set forth in claims 1, 11, and 16. Thus, the Haddock reference is not applicable to claims 1, 5, and 11-16.

REJECTION UNDER 35 U.S.C. §103

Claims 6-7 and 17-18 were rejected under 35 U.S.C. §103 as being unpatentable over Haddock. Applicant respectfully traverses this rejection.

In order to be complete, an obviousness-type rejection must contain two elements:

1. The references, as combined, must show all the features of the claimed invention (all elements rule); and

2. A *proper* motivation to combine the references must be provided.

In this instance, neither element is present.

As noted above, Haddock discloses a DATA CARD CASSETTE, which holds a rectangular magnetic data card. This reference does not disclose the “compact disc having a diameter between substantially 8 centimeters and less than 12 centimeters” as set forth in claims 1, 11, and 16. Thus, the Haddock reference is not applicable to claims 1, 5, and 11-16.

As Haddock is directed toward a rectangular magnetic card, his invention is not applicable to the present invention. Thus, there is no motivation to modify the apparatus of Haddock to read on the present invention.

PRIOR ART REFERENCES

Examiner Davis has examined the parent applications of the present application and thus is no doubt well aware of the nature and scope of the Prior Art cited in those cases. An Information Disclosure Statement is submitted herewith listing those references. Applicant apologizes for not submitting this IDS earlier.

It should be noted that others in this field are now claiming (in hindsight) to have invented the CD CARD. Applicant has recently been made aware of such claims. In particular, the Rose Patent (RE 38,290) was Re-issued and is now in Re-examination (Ser. No. 90/007,202). ✓

Although Rose was directed toward a non-round magnetic disc, Rose has since added claims in the Reissue application, which do not recite this magnetic limitation. After reviewing the Rose application, applicant does not believe the Rose Patent is “relevant” to the present invention, as it does

not teach or suggest a CD-ROM card, but rather a non-round magnetic disc which may be inserted into a sleeve and used as a floppy disc.

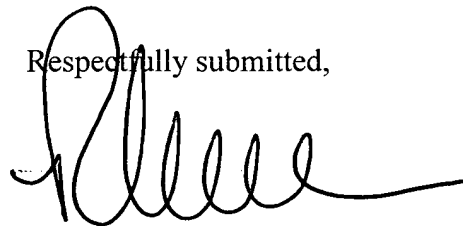
It is quite clear from the record that applicant invented and taught the concept of a non-round CD CARD from his earliest Provisional application. It appears that Rose is attempting to bootstrap a non-analogous teaching to become a *post-hoc* "inventor." As Rose did not originally teach or suggest applicant's concept of an optical card, Rose cannot now claim to be the inventor of such.

Applicant submits the Rose reference so that the Examiner can make his own decision as to who is the true inventor of the CD CARD.

CONCLUSION

An early Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Bell', with a long horizontal flourish extending to the right.

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